

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Bluefield	
Date: 7/13/2010	Case Number 1:09-cr-270
Case Style: USA vs. Thomas Creighton Shrader	
Type of hearing Criminal Jury Trial - Day One	
Before the honorable: 2516-Berger	
Court Reporter Lisa Cook	Courtroom Deputy Kierstin Tudor
Attorney(s) for the Plaintiff or Government Thomas Ryan & John File	
Attorney(s) for the Defendant(s) Christian Capece & George Lancaster	
Law Clerk Chris Miller	Probation Officer Teresa King

Trial Time

Jury Trial. Day No. 1

Non-Trial Time

Court Time

1:52 pm to 3:15 pm
4:32 pm to 4:48 pm
5:09 pm to 6:12 pm
3:31 pm to 3:49 pm
6:46 pm to 6:51 pm
Total Court Time: 3 Hours 5 Minutes Court actively conducting trial proceedings/Contested proceedings

Courtroom Notes

JURY TRIAL - DAY ONE

Scheduled Start 9:30 a.m.
Actual Start 1:52 p.m.

Court resumed at 1:52 p.m.
Defendant present in person and by counsel.
Jury present.
Jury given oath to try matter.
Mr. Ryan makes opening statement for the United States.
Mr. Capece makes opening statement for Defendant.
Government Exhibit 1 marked and admitted.
Government calls TERRY SCHWARTZ; oath given.
Direct by Mr. Ryan.
Government Exhibit 2 marked and admitted.
Government Exhibit 3 marked and admitted.

District Judge Daybook Entry

Government Exhibit 4 marked and admitted.
Government Exhibit 5 marked and admitted.
Government Exhibit 6 marked and admitted.
Government Exhibit 7 marked and admitted.
Government Exhibit 8 marked and admitted.
Government Exhibit 9 marked and admitted.
Cross by Mr. Capece.
Government calls ELIZABETH JONES; oath given.
Direct by Mr. File.
Cross by Mr. Lancaster.
Defense presents Exhibits A & B; Court ORDERS said exhibits filed (same are not admitted as trial exhibits).
Government calls RICHARD SUMMERFIELD; oath given.
Direct by Mr. Ryan.
Cross by Mr. Capece.
Court takes recess at 3:15 p.m.

Court resumed at 3:31 p.m.
Defendant present in person and by counsel.
Jury present.
Court takes judicial notice of relevant matters.
Government rests.
Outside of jury presence - Court advises Defendant of right to remain silent and of his rights regarding testifying.
Outside of jury presence - Defendant moves for judgment of acquittal; motion DENIED.
Defense rests.
Jury excused at 3:47 p.m.
Court recessed at 3:49 p.m.

Court resumed at 4:32 p.m.
Defendant present in person and by counsel.
Court goes over proposed jury charge with counsel.
Court recessed at 4:48 p.m.

Court resumed at 5:09 p.m.
Defendant present in person and by counsel.
Court continues to go over proposed jury charge with counsel.
Jury brought in at 5:20 p.m.
Court gives final jury instructions to jury.
Mr. File begins closing argument on behalf of Government.
Mr. Lancaster makes closing argument on behalf of Defendant.
Mr. Ryan concludes closing argument on behalf of Government.
Alternate juror excused.
Jury excused to deliberate at 6:12 p.m.
Court recessed at 6:12 p.m.

Court resumed at 6:46 p.m.
Defendant present in person and by counsel.
Jury present.
Court addresses note from jury [marked as Court Exhibit 1].
Jury excused for the day.
Court recessed at 6:51 p.m.